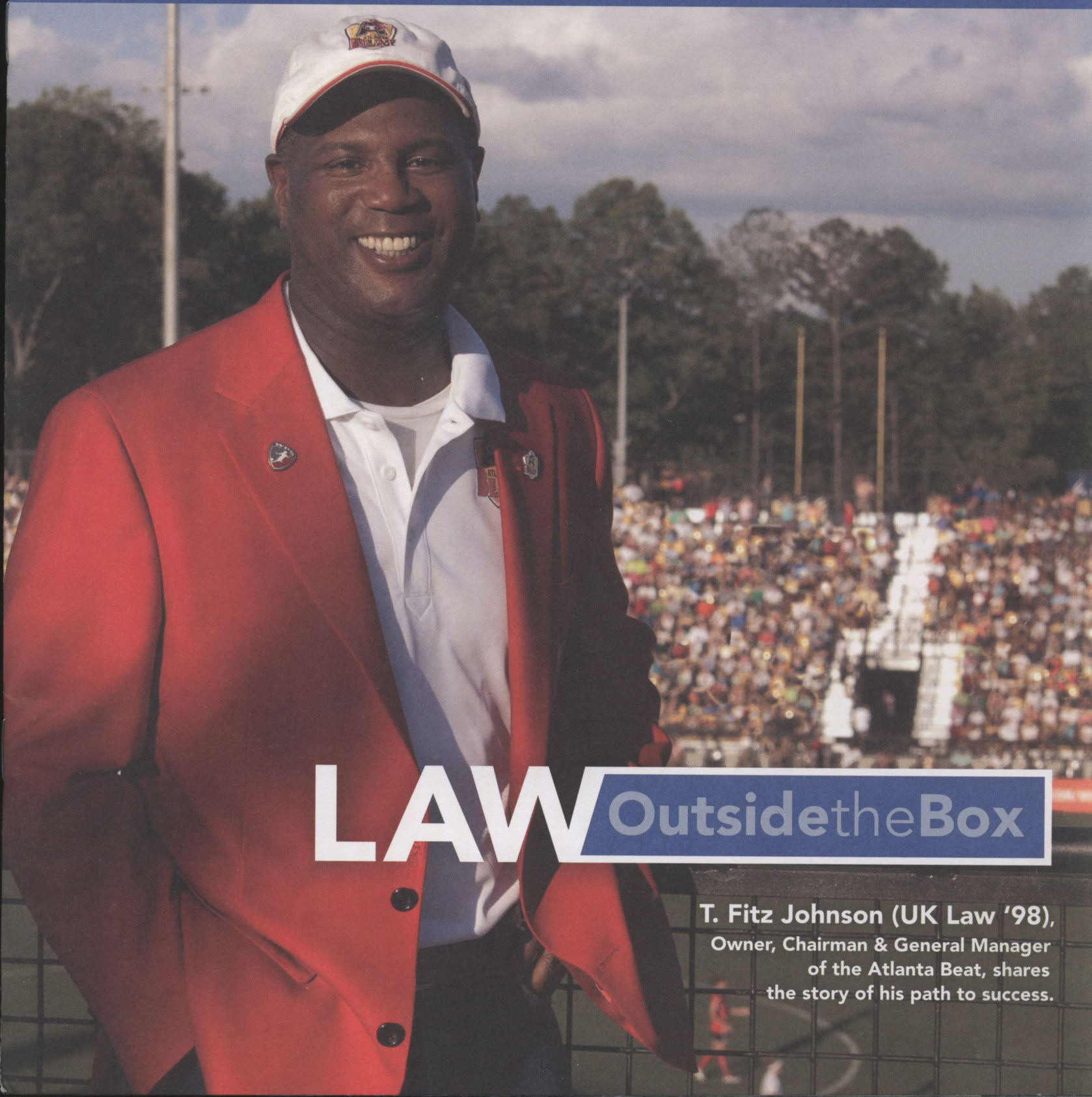


UK[®] LAW

FALL 2011

NOTES

UNIVERSITY OF KENTUCKY COLLEGE OF LAW ALUMNI MAGAZINE



LAW Outside the Box

T. Fitz Johnson (UK Law '98),
Owner, Chairman & General Manager
of the Atlanta Beat, shares
the story of his path to success.

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Message From the Dean



Greetings from the Bluegrass! I am so excited to share with you this edition of UK Law Notes Magazine. As you read this, we are well into the new school year: students are nearing the middle of the semester and final exams are just around the corner. Despite the focused efforts of students, faculty, and staff on ensuring that classes go smoothly, our never-ending quest to make all aspects of UK Law second to none continues.

To begin with, our feature article, "Law Outside the Box," explores alternative careers in law. The path from law school often leads to a law practice career, but not always. We know that a legal education supplies the tools to excel in areas outside of law. Thus, we highlight in the feature article a few examples of UK Law graduates who have excelled in careers enhanced by, but which do not require, a law degree – such as Fitz Johnson's (UK Law '98) decision to go into business shortly after graduation and, eventually, buy and operate a women's professional soccer team in Atlanta. As you read the article, notice how these graduates' legal education played a significant role in their various successes. Our hope is that current and future UK Law students will think about the many ways in which they can use their law degrees as they begin to think about their own careers after law school. It is this notion of drawing closer links between our educational program and careers of our graduates that fuels our institutional efforts to increase basic legal skills training for our students through enhancements to legal research and

writing and increased funding of trial and moot court teams. And our efforts are paying off.

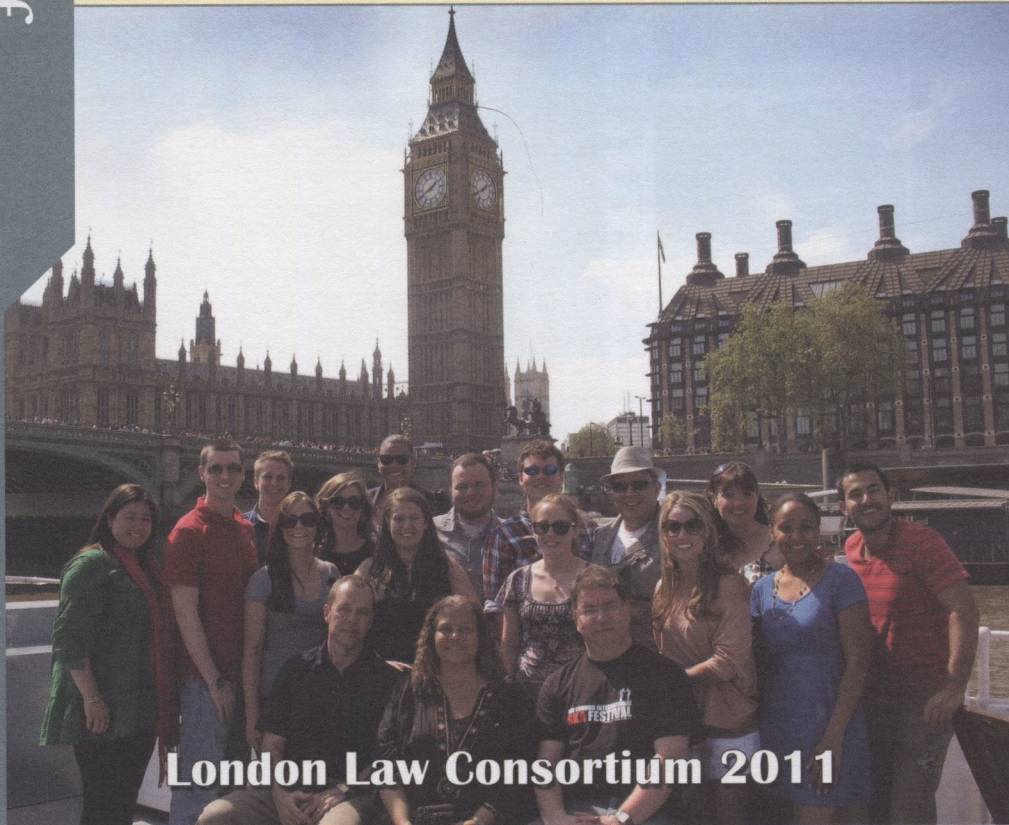
We have been doing much at UK Law to engage the local, state and national community on legal issues of both broad and local concern. For instance, in February we hosted our inaugural James and Mary Lassiter Distinguished Visiting Professor Conference on the subject of Structural Racism – an issue that is of grave concern to many Americans. Additionally, last fall we co-sponsored a lecture by Martha-Ann Alito, wife of U.S. Supreme Court Justice Samuel Alito, in which she highlighted her roots in Kentucky and how that informs her life as the spouse of a Supreme Court Justice. Finally, our professors have, as always, been very active in their various research arenas in ways that have brought positive acclaim to UK Law. Notably, Professors Sarah Welling's (UK Law '78) and Richard Ausness' research was cited by the U.S. Supreme Court. Professor Robert Lawson's (UK Law '63) research on criminal justice in Kentucky was, once again, integral to major legal reform in Kentucky Criminal Law. And Professor Scott Bauries' research in education finance law resulted in him receiving the National Education Finance Conference Distinguished Fellow Award. These are just a few examples of professor accomplishments described in this issue. We are privileged to have these scholars in our midst, and proud of our institutional role in enhancing the academic climate.

We have a number of events coming up this school year, and many opportunities for you to reconnect with your former classmates and fellow alumni. Please keep an eye on our website (www.law.uky.edu) for information on upcoming events, and make sure that the UK College of Law Alumni Association has your contact information so that we can stay in touch. I would love to speak with each of you, and to meet those of you whom I haven't already. I encourage you to visit the College when you are in the area and to let us know the impact you are making in the world around you.

I hope this issue finds you and your loved ones well.

A handwritten signature in black ink, appearing to read "David Brennen". The signature is stylized with loops and a long horizontal stroke at the end.

David A. Brennen
Dean and Laramie L. Leatherman Professor of Law



London Law Consortium 2011

KJEANRL A TOP 100 LAW JOURNAL

In a list published this year by the Washington and Lee University School of Law, the *Kentucky Journal of Equine Agriculture and Natural Resources Law* was ranked 93 out of over 1,300 law journals. Among specialized journals, it came in at number 34, ahead of some very reputable competitors. Congratulations to the KJEANRL staff and editors!

Law Students Study at the “Other UK”

This spring marked the first semester in which UK Law students participated in the London Law Consortium, a group of eight law schools which together sponsor a study-abroad program for U.S. law students in London. Professor Doug Michael traveled with second-year students Rebecca Griffin, Patrick Kern, Hamida Labi, Carly Sparks, Whitney Waters and Meredith West to King's College, where he also taught Business Transactions as part of the program. Professor Michael reported that the students acclimated quickly to life in London, and benefitted greatly from

the opportunity to learn foreign law, and foreign aspects of U.S. law. Each student's curriculum included a course on the British legal system and a chance to intern with a local solicitor or barrister.

Professor Michael and a number of students kept us updated on their adventures, sending back regular e-mails that were published on UK Law's website. They were visited by Kentucky alum Carroll Stevens (1976) to learn about the role lawyers will take in the twenty-first century, and how law students can be best prepared and position themselves

to become successful leaders. Over spring break, their location afforded them the opportunity for extensive travel to places such as Thailand, Vietnam, India, Morocco and Turkey. Rebecca Griffin was struck first by the challenges of navigating a city of over 7.5 million people, and then by the differences in the English and U.S. legal systems. Hamida Labi reported the same. “This was a once in a lifetime opportunity,” she said. “I couldn't be happier that I chose to do it, and I am excited about the future of this program.”



DEAN BRENNEN WITH UK PRESIDENT LEE TODD, MARTHA-ANN ALITO, JUSTICE NOBLE, CHIEF JUSTICE MINTON AND UK PROVOST KUMBLE SUBBASWAMY

MARTHA-ANN ALITO AND JUSTICE MARY NOBLE HONORED AT UK LAW RECEPTION

On Friday, October 1, the College of Law hosted a reception honoring Martha-Ann Alito, wife of U.S. Supreme Court Justice Samuel A. Alito, Jr.

Mrs. Alito was in Lexington to give a lecture for the Hellenic Ideals Program of the Bluegrass, an organization founded in 1980 to remember and honor ancient Hellenic principles and to encourage such standards in our changing, modern civilization. Kentucky Supreme Court Deputy Chief Justice Mary Noble (UK Law '81), the 2010 recipient of an annual award presented by the Hellenic Ideals Program, invited Alito to return to Kentucky to give this lecture, which was co-sponsored by the College of Law.

Her lecture, titled "One Letter Home," was given on Saturday the 2nd at the UK Singletary Center Recital Hall, and touched on her military upbringing, her time as a student at UK, and her family life after Justice Alito's appointment.

Alito was born in Fort Knox, but her Air Force father relocated their family several times throughout her childhood. Despite extended stays in the Azores, Texas, France, Maine and New Jersey, she decided to return to the Bluegrass for college. She received her bachelor's degree in comparative literature in 1975. Two years later, she completed her master's degree in library science.

UK Law Dean David Brennen found Alito's life experiences fascinating. "Her life is one that any law student should strive to hear, know, and experience," he said.

Justice Mary Noble echoed his sentiments. "Judges are a dime a dozen. They speak all the time," Noble said. "It's the family of a judge that makes it possible for them to do what they do."

The reception held Friday afternoon at the College of Law was attended by UK President Lee Todd and Provost Kumble Subbaswamy, as well as many faculty, staff, students and alumni.

Moot Court Teams Excel

Congratulations to all of the members of the University of Kentucky College of Law Moot Court Board. Below is a list of their competitions and results from the 2010-2011 season:

61ST ANNUAL NATIONAL MOOT COURT COMPETITION

RICHMOND, VIRGINIA

Team A: Zach Becker, Scott Burroughs, Guy Hamilton-Smith – *Advanced to the Final Four*
Team B: Joe Bilby, Sarah Billiter, John Sosbe

19TH ANNUAL CONRAD B. DUBERSTEIN BANKRUPTCY MOOT COURT COMPETITION

NEW YORK, NEW YORK

Tia Combs and Zachary Horn – *Semifinalists (top sixteen)*

21ST ANNUAL NATIONAL FIRST AMENDMENT COMPETITION

NASHVILLE, TENNESSEE

Andolyn Johnson and Samantha Tucker

5TH ANNUAL NATIONAL RELIGIOUS FREEDOM MOOT COURT COMPETITION

WASHINGTON, D.C.

Kathryn Davis and Grace Shear – *Advanced to the Final Four, Overall Best Brief*

17TH ANNUAL EVAN A. EVANS CONSTITUTIONAL LAW MOOT COURT COMPETITION

MADISON, WISCONSIN

Zach Becker and John Sosbe – *Octofinalists*
Zach Becker – *Overall Best Oral Advocate*

INAUGURAL NATIONAL ENERGY & SUSTAINABILITY MOOT COURT COMPETITION

MORGANTOWN, WEST VIRGINIA

Pete Maskow and Jesse Parrish – *Champions*

Trial Teams

Congratulations to all the members of the University of Kentucky College of Law Trial Teams. Below is a list of their competitions and results from the 2010–2011 academic year.

36TH ANNUAL NATIONAL TRIAL COMPETITION TEXAS YOUNG LAWYERS/AMERICAN COLLEGE OF TRIAL LAWYERS HOUSTON, TEXAS

Coach: Allison Connelly.

Competitors: Adam Bowling and Josh Hicks.

Finished in the top eight, out of over 300 teams.

7TH CIRCUIT REGIONAL OF THE NATIONAL TRIAL COMPETITION TEXAS YOUNG LAWYERS/AMERICAN COLLEGE OF TRIAL LAWYERS LOUISVILLE, KENTUCKY

Coach: Allison Connelly

Team A: Adam Bowling and Josh Hicks.

First place out of 28 teams.

Team B: Maggie Gigandet and Guy Hamilton-Smith.

STUDENT TRIAL ADVOCACY REGIONAL COMPETITION AMERICAN JUSTICE ASSOCIATION ST. LOUIS, MISSOURI

Coach: Justin Peterson. Competitors: Megan Handshoe, Paco Villalobos and Fred Moore.

Witness: Morgan Fitzhugh. – Regional Finalists.

THURGOOD MARSHALL REGIONAL TRIAL COMPETITION NATIONAL BLACK LAW STUDENTS ASSOCIATION RALEIGH/DURHAM, NORTH CAROLINA

Coach: Jackie Alexander

Competitors: Kristy Avery, Kirby Smith, Nicole Tarrance and Chris Henderson

Third place and qualified for regionals.

TOURNAMENT OF CHAMPIONS NATIONAL INSTITUTE OF TRIAL ADVOCACY PITTSBURGH, PENNSYLVANIA

Coaches: Allison Connelly & Katherine Paisley
Competitors: Matthew Cheeks, Megan Handshoe, Fred Moore and Kristeena Johnson

Invitational limited to the top 16 trial programs in the nation.

12TH ANNUAL KENTUCKY MOCK TRIAL CHAMPIONSHIP LOUISVILLE, KENTUCKY

Coach: Justin Peterson. Team A Advocates: Lindsay Bishop and Ramsey Groves.

Team A Witnesses: Alex Garcia and Nathan Harris. – *Finalists.*

Team B Advocates: Maggie Gigandet and Anthony Cash. Team B Witnesses: Chris Henderson and Lin Rowe.

THE COLLEGE OF LAW HOSTS THE INAUGURAL LASSITER CONFERENCE



On February 25, the College of Law hosted the Inaugural James and Mary Lassiter Distinguished Visiting Professor Conference. William M. Wiecek, Congdon Professor of Public Law and Professor of History at Syracuse University College of Law, and the Inaugural James and Mary Lassiter Distinguished Visiting Professor at UK Law, led this interdisciplinary exploration of structural racism.

Faculty from many disciplines at UK, and presenters from other area universities and organizations, shared their research in panel discussions. Professor John A. Powell, director of the Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University, and Williams Chair in Civil Rights & Civil Liberties at the Moritz College of Law,

delivered the keynote address. For video of Professor Powell's address and various other events of the day, visit www.law.uky.edu and click on the "Media" tab.

About Structural Racism

Unlike traditional forms of racism, which result from bigoted individuals' attitudes and intent, structural racism is produced by social structures that establish and perpetuate white advantage and the subordination of people of color. It is the result of ordinary, day-to-day practices of organizations like business firms and government agencies, such as hiring practices, as well as of social policies produced by political decisions, like farm worker exclusion from Social Security.

Structural racism is a complex, dynamic system of cultural beliefs, historical legacies, practices within and among public and private organizations, and social policies that interweave to cause glaring racial disparities. It results from inadvertent institutional and social arrangements that distribute resources unequally and inequitably. Structural racism explains unequal racial outcomes by focusing not on prejudiced individual behavior but on social infrastructure.

For information on the 2011 Lassiter Visiting Professor Conference, see page 13.



CLARK CASE (UK LAW '03)
STANDING INSIDE HIS
LEXINGTON, KY. CLUB.
CREDIT: SHAUN RING

LAW

Outside the Box

Atlanta Beat Owner, Chairman & General Manager, T. Fitz Johnson (UK Law '98) in front of the Atlanta Beat's first ever sell-out crowd at KSU Soccer Stadium.

LAW Outside the Box

Photo by Lou Raimondi.

Many law graduates today belong to a recently identified socioeconomic “creative class” of knowledge-based professionals that bring their specific blend of higher education and experience to create new approaches to challenges in the legal field, health care, business and finance, and education. While many creative class legal professionals approach their work from within the traditional structures of a legal career – private practice, public and governmental services – a number are choosing to use their legal education and experience in ways that are decidedly outside the box, and identify their training as the key tool in successfully and uniquely doing some very interesting careers.

Fresh from attending the 2011 FIFA Women's World Cup in Germany, the chairman and CEO of the Atlanta Beat of Women's Professional Soccer (WPS) describes his legal career post-law school. “I practiced for about 10 minutes,” jokes **T. FITZ JOHNSON** (UK Law '98). Shortly after

graduating from the UK College of Law, the Citadel alum and retired Army officer joined his family's defense contracting company as chief counsel and vice president of human resources. A devoted father, Johnson also enjoyed coaching his daughters' and son's soccer teams from the time they were small and up through high school.

Two UK Law Grads Find Sustained Success in Business

After the family business was sold in 2008, Johnson was at the annual National Soccer Coaches Association of America (NSCAA) convention when his twin daughters talked him into attending a meeting about the newly revived women's pro league, WPS. Fast forward a year and a half later and the Atlanta Beat had its first season.

"Besides my daughters' enthusiasm, it was a great opportunity for the advancement of women and women in sports," said Johnson. "I thought there was a small gap when I got into this, but I'm finding out there is a huge gap. It's very difficult for Americans when it comes to women's team sports and we really need to change that."

As the owner of a new professional franchise, Johnson operates as the organization's general manager, and runs day-to-day operations. All the details of running a professional sports program, including supervising coaching, stadium operations, player trades and contracts, and corporate sponsorships go through Johnson's office. He says his legal background gives him an edge over other owners when it comes to streamlining expenses and running a smooth operation.

"I'm able to draw on my legal background every day," said Johnson. "For example, I have 23 players under contract. I could send all their contracts to a firm in downtown Atlanta and pay the equivalent of half their salaries probably to review them. Or I can look at them myself. That's a small example of legal issues we deal with every day."

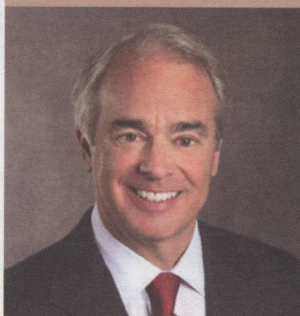
Similarly, **CLARK CASE** (UK Law '03) credits his years practicing business litigation and construction law at Stites & Harbison with

JAMES WOOLERY (UK Law 1994) left his former firm of Cravath, Swaine, & Moore LLP in February to join JPMorgan Chase & Co. While at Cravath, Woolery was involved in several of the biggest mergers in recent years, including Affiliated Computer Services Inc.'s sale to Xerox Corp and IBM's sale of its PC business to Lenovo, the first major international acquisition by a Chinese company.



The Ashland, Kentucky native received his undergraduate degree from Wake Forest University, but wanted to return to Kentucky for law school. Woolery says his plan was always to go into law and business. In an article published this spring in the UK Alumni Magazine, he says, "[I] received a world class legal education at UK. I can't emphasize enough how valuable it has been to me." He credits that, along with the lessons learned from his father, business lawyer and 1966 UK Arts and Sciences graduate Robert L. Woolery II, with giving him a firm foundation on which to build. While still at UK Law, he was accepted for an internship at Cravath. He stayed there after graduation, and in 2002, was made partner. At JPMorgan Chase, he will co-head the North American Mergers and Acquisitions team.

Woolery, a member of the College of Law Visiting Committee, lives with his wife, Kristen, and their two daughters, Stella and Rose, in upstate New York.



JAMES E. ROGERS (UK Law 1974) is the president and CEO of Duke Energy, which announced in January that it will merge with Progress Energy, retaining the name "Duke Energy," and becoming the largest utility in the nation. Rogers, who has been CEO of Duke Energy since 2006, has nearly 25 years' experience as a chief executive officer in the electric utility industry. In the course of his career, he has served more than 60 cumulative years on the boards of Fortune 500 companies.

While at UK Law, Rogers was a member of the *Kentucky Law Journal*. He is in the Hall of Fame at both the University of Kentucky Gatton College of Business and Economics and the UK College of Law, and last year was inducted into UK's Hall of Distinguished Alumni. He has been a member of the College of Law Visiting Committee since 1995.

Over the past several years, Rogers has testified 22 times on energy, environmental and other policy matters before congressional committees, and has published numerous articles on these issues, pushing for a limit on greenhouse gas emissions and expansion of nuclear and renewable energy resources. He has spoken to over 20 universities and colleges on the subject, and in March, visited the College of Law to speak to students on this, and on the impact that UK Law has had on his career.

Rogers and his wife, Mary Anne, have two daughters, one son and eight grandchildren.

allowing him to launch a business in the midst of an economic downturn.

As a UK undergraduate and law student, Case was a regular at Buster's – a local Lexington pool hall famed for its jukebox full of punk and alternative style music one couldn't find on the radio. When the old Buster's building was torn down in 2008 to make room for a new development, Case purchased Buster's "... which was more or less just the name, six pool tables, a jukebox, and a couple of artifacts," said Case.

With his background in construction law, Case was able to cut costs by serving as the general contractor handling the renovation of the new Buster's building in the distillery district of Lexington. His legal experience also gave him the tools necessary to set up the business entity of Buster's Billiards & Backroom – which houses Lexington's only midsize music venue – and in the process become one part bar owner and one part music promoter.

"It's the part I really enjoy and it's also where law school and law practice were really invaluable," said Case of his role as music promoter. "When dealing with agents, I've never had any fear about what an indemnity clause means or other parts to a contract I'm negotiating, but I can imagine another promoter feeling like they need a lawyer to look over a contract before they spend several thousand dollars to sign a band. There are a lot of contracts and a lot of law in my line of work, and I really feel like law school and a few years of practice made that part pretty effortless."

The ability to use her legal education to head off potential problems before they even materialize is one of the key things **JENNIFER DITTY KANG** (UK Law '02) says sets her apart as program manager of the nonprofit Cumberland Pediatric Foundation in Nashville, Tenn. In an effort to provide quality and affordable health care in the middle Tennessee region, one of the many things Kang does is manage a federal



"YOU JUST THINK MORE CRITICALLY WITH A LEGAL BACKGROUND," SAYS JENNIFER DITTY KANG (UK LAW '02).

grant that assists regional physicians in achieving meaningful use of electronic medical records. From privacy issues to business associate agreements, Kang is able to use her legal background to be more resourceful for the practices she works with – some that are in very rural areas of middle Tennessee.

"We have over 500 physicians that are members of our organization," said Kang. "While I don't provide legal advice to our members, I am able to help them understand where they can get the resources they need when they have legal issues. I can guide them when it comes to certain situations where they at least need to have a contract in place."

While Kang always thought she would enjoy practicing law as much as she enjoyed law school and her summer

clerkships, she quickly realized after working with a prestigious firm in Nashville that "... it just wasn't a good fit for me. But I knew that the longer I stayed on the partnership track, the harder it would be for me to leave. I felt I had to quickly either 'fish or cut bait,'" said the Ashland, Ky. native.

Now Kang also holds a Master's in Management of Health Care from the Owen Graduate School of Management at Vanderbilt University. While she no longer practices law, she does practice a type of preventative "legal care" in her role working with physicians.

"You think so much more critically once you have a legal background," said Kang. "Particularly working with small medical practices in the community, while they are aware of some of the negatives that can happen in the practice, having a legal background allows me to explain to them pitfalls of why certain actions lead to certain negative results and keep them from happening in the first place."

Kang, Case and Johnson all reference how their legal training drilled into them how to take a problem and think it through to its various possible conclusions, while preparing for contingencies and realizing there probably is no right answer. As Case recounts from his evidence class at the College of Law, this ability to deal proactively with uncertainty sets legally-trained professionals in a class all their own.

"Someone asked Professor Lawson, 'What if this?' and he said 'Well, I don't know. It can go either way, but you have to become comfortable with ambiguity,'" recalled Case. "Law school begins to train you to become comfortable with ambiguity. Then whether you're practicing law or in any employment position – hell, just life – if you can become comfortable with ambiguity, you can manage to get through anything. That sums up the purpose of the law school curriculum

as best as I've ever heard, and that's what it offers employment in any field."

Johnson concurs. "A lot of times with business it's all about evaluating the risk. The two people you turn to when evaluating the risk are your chief legal officer and your chief financial officer. If you already have that background, that helps out a lot."

From igniting Georgia's excitement in women's pro soccer to introducing central Kentucky to the latest new music to making quality health care accessible and affordable in central Tennessee, this trio of alumni have an enthusiasm for their work that is born out of doing what they love. They value a life that is more than just their work, yet retain a desire to have challenging, meaningful careers that do not always find a home in typical legal jobs. It is out of this unique blend of socioeconomic and cultural "ambiguity" that innovation is borne in our communities; a legal education prepares students to make these contributions both inside and outside of traditional legal fields.

¹ Florida, R. (2002). *The Rise of the Creative Class: And How it's Transforming Work, Leisure, Community and Everyday Life*. New York: Perseus Book Group.

UK Law Hires First Full-Time Director of Legal Research and Writing



MELISSA N. HENKE is the UK College of Law's first full-time Director of Legal Research and Writing. Prior to joining UK Law, she was an Associate Professor of Legal Research and Writing at the Georgetown University Law Center. Before she began teaching full-time, Henke practiced law with the Washington, D.C. firm Hogan & Hartson (now Hogan Lovells), where she represented clients in a wide range of commercial litigation matters, including breach of contract and business torts, and defended against nationwide RICO and state class actions involving the healthcare field. In 2007 and 2008, she served as the senior associate in the law firm's premiere *pro bono* practice group, litigating high-impact and

individual *pro bono* matters involving civil rights, employment discrimination, wrongful convictions, and immigration. Before joining Hogan & Hartson in 2002, she clerked for Judge Gary Allen Feess of the U.S. District Court for the Central District of California. She also served as an adjunct professor of legal research and writing at the George Washington University Law School in the 2004 and 2006 academic years.

"I am honored to return home to Kentucky to serve as UK Law's first full-time director of the Legal Research and Writing Program," Henke says. "The years I spent mentoring associates sparked a passion for developing in others the analytical and rhetorical skills that are critical to becoming a successful lawyer. When the opportunity arose to teach legal research and writing full-time, I jumped at the chance to teach a course that introduces law students to these critical skills, and does so in a way that also exposes them to the realities and rigors of law practice. I am excited to have the opportunity to teach legal writing at UK Law and to work to ensure that the program develops in our students the critical research and legal writing skills they need to succeed in the practice of law."

Henke earned her J.D. with highest honors from the George Washington University Law School in 2001, and graduated *summa cum laude* from the University of Kentucky in 1998.

Welcome Visiting Professor Crimm



The College of Law is proud to announce the arrival of St. John's University School of Law Professor **NINA J. CRIMM** as the second James and Mary

Lassiter Distinguished Visiting Professor. Crimm has most recently been an invited scholar for the Institut des Mondes Anglophone, Germanique, and Roman, a University Paris-Est research institute exploring relationships of religion, politics, national discourse, and culture in the English speaking world, among other topics. She is the co-author (with Professor Laurence H. Winer) of *Politics, Taxes and The Pulpit: Provocative First Amendment Conflicts* (Oxford University Press, 2011), about political speech, houses of worship, and conditional tax subsidies. She received her

J.D. and M.B.A. from Tulane University, and holds an LL.M. in taxation from Georgetown University Law Center.

While at UK Law, in addition to teaching Nonprofit Organizations in the fall, she will host two events. On October 12, the College will host a discussion of her book. On November 4th, Crimm will host the second annual Lassiter Distinguished Visiting Professor Conference. The conference will address perspectives and insights on how U.S. and foreign laws and infrastructures help or hinder first responders to natural and manmade disasters. Speakers at the conference will include William Canny, Director of Emergency Operations with Catholic Relief Services, (Retired) Brigadier General James Cullen, and Greg Elder, USAID Acting Regional Coordinator for Latin America and the Caribbean. Check www.law.uky.edu for more information on both events.



Two UK Law Professors Cited by the U.S. Supreme Court

Two University of Kentucky College of Law professors were cited by U.S. Supreme Court justices in opinions in recent cases.

During a case in February, Supreme Court Justice Sonia Sotomayor cited an article by **RICHARD AUSNESS**. Justice Samuel Alito cited **SARAH WELLING**'s treatise during a case in March.

"I am just so very proud of these particular accomplishments by Professors Ausness and Welling," said David A. Brennen, dean of the College of Law. "Both professors are wonderful and passionate scholars, and this recognition of their work is well deserved. I am proud of the research accomplishments of all of our UK Law faculty."

Ausness' article, titled "Unavoidably Unsafe Products and Strict Products Liability: What Liability Rule Should be Applied to the Sellers of Pharmaceutical Products?" was originally published in the *Kentucky Law Journal*.

Justice Sotomayor cited Ausness' article in her dissent to the 6-2 opinion in the case of *Bruesewitz v. Wyeth*, which dealt with the extent to which the National Childhood Vaccine Injury Act of 1986 could protect vaccine manufacturers from claims of design defect.

"Of course, it was awfully nice. I was very happy," Ausness said of the citation. "For me, it was a big thrill. Not everyone gets cited. The College has been very supportive."

Justice Alito cited Welling's book, *Federal Practice and Procedure, Volume 3A*, which she co-authored with Charles Alan Wright, in his opinion for the majority in *Wall v. Kholi*. That case dealt with the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA).

"Supreme Court justices are very careful with their opinions to cite the most reliable sources," Welling said. "The fact that they cited mine is a vote of confidence. I was really surprised and dumbfounded and happy."

This is the first time Ausness has been cited by the Supreme Court. He is the Gallion & Baker Professor of Law at the College of Law, where he has taught since 1973.

This is the third time Welling has been cited by the Supreme Court, but her first time being cited by the majority. She is the Ashland-Spears Distinguished Research Professor of Law, and has taught at the College since 1981.

"It's a recognition that your work is respectable," said Welling. "It's a recognition that your work is some of the best in the field."

Library Welcomes Four New Faculty

The Alvin E. Evans Law Library hired a new director, Dr. James M. Donovan, in December, to replace Helane Davis. In addition, the library hired three new faculty librarians this year: Tina Brooks, Franklin Runge, and Beau Steenken. In addition to their librarian duties, each of the three will teach the legal research component of the first-year Legal Research and Writing course.



JAMES M. DONOVAN joined the College of Law as Director of the Law Library in December 2010. Dr. Donovan received his law degree from Loyola New Orleans School of Law. Additionally, he holds a Ph.D. in anthropology from Tulane University, master's degrees in philosophy and library science from Louisiana State University, and a bachelor's degree in Greek and Latin from the University of Tennessee at Chattanooga.

He comes to UK Law from the University of Georgia School of Law where he was the Faculty and Access Services Librarian. Prior to that, he served as Access Services Librarian at Tulane University School of Law. Professor Donovan's most recent

research includes a book entitled *Legal Anthropology: An Introduction* (Alta Mira Press, 2008) and an article entitled "Libraries as Doppelgängers: A Meditation on Collection Development," 34 *Southeastern Law Librarian* (2009).



TINA BROOKS joined the College of Law library faculty in July as the Electronic Services Librarian. She holds a B.A. in history and Spanish from the University of Northern Iowa, a J.D. from the University of Nebraska College of Law, and an M.S. in information studies from the University of Texas School of Information. Her professional areas of interest are in cyberlaw and the organization, representation, and distribution of information online.



FRANKLIN RUNGE joined the College of Law Library Faculty as the Faculty Services Librarian in May. He received a B.A. in political science from Hiram College in 2000, a J.D. from Northeastern University School of Law in 2003, and M.L.S. from the School of Library and Information Science at Indiana University in 2010. Following law school, he clerked for the judges of the Massachusetts Probate and Family Court, where his research interests included right to die decisions, complaints for grandparent visitation, and petitions to remove children from the Commonwealth. After his clerkship, he stayed in Boston, Massachusetts and practiced law at Weisman & McIntyre, PC, where he focused on product liability cases against tobacco companies, education reform litigation at the state level, and seat belt safety litigation against automotive manufacturers.



BEAU STEENKEN joined the College of Law Library Faculty as a Reference Librarian in September 2010. Prior to coming to Kentucky, he spent the majority of his professionally formative years in Texas where he is a member of the bar and where he received a B.A. in history from the University of Texas at Austin, an M.A. in history from Texas State University-San Marcos, a J.D. from the University of Texas School of Law, and an M.S. in information studies from the University of Texas School of Information. He also holds an LL.M. in public international law from the University of Nottingham in the United Kingdom.

Besides assisting law students and library patrons with legal research, Beau's professional interests include increasing awareness of historical sources of law, compiling materials relating to public international law, and providing remote and digital access to unique legal information resources.

Allison Connelly Wins Service to Young Lawyers Award



On Thursday, June 16, the Kentucky Bar Association Young Lawyers Section honored Allison Connelly with its first annual Service to Young Lawyers Award. The award, which honors the exemplary work of those who dedicate themselves to training, mentoring, and service to young lawyers, and recognizes those who make exceptional contributions to the professional and personal advancement of young lawyers, was presented to Connelly at the Young Lawyers Section luncheon during the annual Kentucky Bar Association Convention in Lexington.

Connelly, who is Director of the UK Legal Clinic and Associate Clinical Professor of Law at the University of Kentucky College of Law, has received numerous awards for her teaching, including the Chancellor's Outstanding Teaching Award and the UK Alumni Association Great Teacher Award.

"Allison Connelly is truly the epitome of what it means to be a good mentor, colleague, and friend," said Carl Frazier (UK Law '07), Vice-chair of the Young Lawyers Section, as he presented the award. "Young lawyers are indebted to her for her tireless work in improving the law and those who practice it."

Congratulations, Allison!



In November, **RICHARD C. AUSNESS** was the Keynote Speaker at the University of Arkansas' Water Law

and Policy Conference. He presented his talk, "The Development of Modern State Water Law and Policy: The Florida Experience under the Model

Code." In July, he gave a talk entitled "Trust Protectors, Special Trustees, and New Thinking" at a program on "Representing Estate and Trust Beneficiaries and Fiduciaries" in Chicago. His article, "Risky Business: Product Sellers Who Offer Safety Devices as Optional Equipment," has been accepted for publication and will appear in the *Hofstra Law Review* in September 2011.



KENT H. BARNETT presented his article, "The Consumer Financial Protection Bureau's Appointment with

Trouble," at a symposium on the Dodd-Frank Act at American University's Washington College of Law in March. The paper was published in the *American University Law Review* this summer.



SCOTT R. BAURIES received the National Education Finance Conference Distinguished Fellow

Award for "distinguishing himself in terms of current education finance research and/or practice." He was also appointed to the New Scholars Committee of the Southeast Association of Law Schools. His 2010 *Alabama Law Review* article, "Is There an Elephant in the Room?: Judicial Power of Educational Adequacy and the Separation of Powers in State Constitutions," was cited by the Washington State Supreme Court in *School District's Alliance for Adequate Funding of Special Education v. The State of Washington*. Additionally, he has two articles that will appear in the *School Finance* volume of a multi-

volume set entitled *Debating Issues in American Education* to be published by SAGE.



JENNIFER BIRD-POLLAN participated in the Southwest Junior Scholars' Conference at

Arizona State University in March. She gave a presentation on the taxation of Sovereign Wealth Funds.



DAVID A. BRENNEN is the co-editor of *Tax Law and Policy: Beyond Economic Efficiency*, an Aspen publi-

cation forthcoming in 2012 which includes his chapter entitled "Federal Income Tax Exemption for Charities." He was appointed in August to a three year term on the American Bar Association Standing Committee on the Law Library of Congress. In February, he delivered the Black History Month Keynote Address, "Reflections on Race Relations at the UK College of Law," at the United States Attorney's Office for the Eastern District of Kentucky.



RUTHEFORD B. CAMPBELL has published "Normative Justifications for Law (or No)

Corporate Fiduciary Duties: A Tale of Problematic Principles, Imagined Facts and Inefficient Outcomes," in Volume 99 of the *Kentucky Law Journal*, and has two articles forthcoming: "The Wreck of Regulation D: The Unintended (and Bad) Outcomes for the SEC's Crown Jewel Exemptions," in *The Business Lawyer*, and "Federalism Gone Amuck: The Case for



Associate Dean and Stites & Harbison Professor of Law **MARY J. DAVIS** is the 2011 recipient of the Duncan Teaching Award at the College of Law. The Robert M. and Joanne K. Duncan Faculty Improvement Fund was established in 1982 to promote outstanding teaching performance at the College of Law.

The award is given each year to recognize a College of Law faculty member for excellence in the classroom. According to her students, Professor Davis' classroom teaching is superb. "I am extremely proud of the work that Dean Davis has done in the past year," said Dean David A. Brennen. "While teaching Advanced Torts, and serving as Associate Dean, she still found time to prepare a new edition of her casebook. We are extremely lucky to have someone like her on our faculty."

Reallocating Governmental Authority Over the Capital Formation Activities of Businesses," in the *Washburn Law Review* as part of a symposium on the 100th anniversary of state blue sky laws.



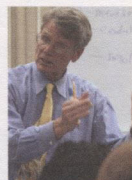
STEPHEN CLOWNEY has been named an editor of the *PropertyProf* law blog. He was elected by the student body to speak

at the 2011 graduation ceremony. A transcript of his speech was printed in July's issue of *Bench & Bar*.



JOSHUA A. DOUGLAS shared his election-law expertise last November in an interview with

WUKY's Alan Lytle on election-day issues. He has accepted an offer from the *Utah Law Review* to publish his article "The Procedure of Election Law in Federal Court." In February, he led a round table discussion at the Ohio State Journal of Dispute Resolution Symposium.



WILLIAM H. FORTUNE is completing work on his biography of Kentucky Judge Mac Swinford. It is

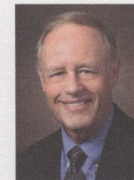
expected to be published this fall. He presented "Ethical & Professionalism Issues that Deserve Discussion" at the Kentucky Bar Association's Law Update in September.



CHRISTOPHER W. FROST was named Chair of Lexington Mayor Jim Gray's transition team after his election in

November 2010. He published three articles in the *Bankruptcy Law Letter*: "Administrative Expense Claim Accrual in the Sixth Circuit" in the October 2010 issue; "Initial Transferee or Mere Conduit: The Seventh Circuit Takes a Stab at a Slippery Concept" in the February 2011 issue; and "Inching Toward Workability: The Supreme Court Adds to its BAPCPA Jurisprudence," in the March 2011 issue. He testified, along with John McGarvey and 2L Derek Hall,

before the Senate Agricultural Committee on three separate occasions this spring, regarding livestock seller's liens.



EUGENE R. GAETKE spent the spring semester teaching legal ethics and English legal terminology at the

University of Maribor, in Slovenia, as part of his Fulbright grant. While there, he guest lectured in courses on international business transactions, civil procedure, environmental law, contract drafting, and unfair trade practices. He also assisted moot court teams in preparing for international competitions in which they would be expected to argue in English.



ROBERTA M. HARDING was asked by the Dean of the UK Graduate School to serve on the 2011 Kirwan Faculty Prize

Selection Committee.



MICHAEL P. HEALY has placed his article, "Reconciling *Chevron*, *Mead Corp.*, and the Review of Agency

Discretion: Source of Law and the Standards of Judicial Review of Administrative Action" with the *George Mason Law Review*.



MELISSA N. HENKE presented at the American Association of Law schools New Teachers Workshop in June 2011. Her

panel, "Reports from the Early Years," offered tips for new law teachers.



NICOLE HUBERFELD has recently accepted an offer to publish her article, "Federalizing Medicaid,"

from the *University of Pennsylvania Journal of Constitutional Law*. She was appointed to the Mentors Committee of the Southeast Association of Law Schools.



MARK F. KIGHTLINGER has been serving on the University of Kentucky International Advisory

Committee. Additionally, he has served on two Ph.D. committees this year.



DIANE B. KRAFT, Assistant Director of Legal Writing and Director of Academic Success, presented in

December, 2010 at the Legal Writing Institute One-Day Writing Workshop at the University of Dayton on "Best Practices for Handling Student Conferences." She also presented "Current Trends in ESL Writing Theory: How to Research Applies to Legal Writing" at the Rocky Mountain Legal Writing Conference in March 2011.



In March, Kentucky Governor Steve Beshear (UK Law '68) signed House Bill 463 into law. The bill, which

aims to reduce Kentucky's nonviolent prison population and reduce state incarceration

costs, is thanks in part to the efforts of Professor **ROBERT G. LAWSON**. Lawson, who wrote most of the original Kentucky Penal Code, has been extensively involved in law reform efforts, acting as principal drafter of both the Kentucky Penal Code and the Kentucky Rules of Evidence. He has published a number of articles exploring Kentucky's high incarceration rate, and persistent felony offender (PFO) law. The new law will reduce prison time for nonviolent drug offenders, directing them instead toward drug treatment programs and community supervision.



DOUGLAS MICHAEL spent the spring 2011 semester in London, as part of UK Law's first semester participating in the

Doubly Honored



I am so pleased to make you aware of two honors received this year by Professor Louise Graham. On March 9, she received the Women's Law Caucus Faculty Achievement Award. A ceremony at the UK Boone Faculty Center included speeches by Kentucky Court of Appeals Judge Sara Combs, and Kentucky Federal District Court Judge Karen Caldwell.

The next day, she was presented with the Sarah Bennett Holmes Award at a luncheon at the University of Kentucky Student Center. The audience heard from keynote speakers Diane Snow and Christy Burch-Epperson, the 2010 Sarah Bennett Holmes Award winners.

The Sarah Bennett Holmes Award is given annually to a female University of Kentucky faculty member and a female staff member for their contributions to issues that affect women at UK and across the Commonwealth and who promote the growth and well-being of other women. In its 18th year, the award was created by the UK Women's Forum in honor of Sarah Bennett Holmes, a distinguished former dean of women at the University of Kentucky. She championed the rights of women and inspired young women to persevere in the face of hardship and to pursue their educational and career goals.

Professor Graham has taught in the UK College of Law since 1978 and served as interim dean of the college from 2008–2009. In 1989, she received the UK Great Teacher Award. She is a very worthy recipient of both of these awards and we are proud to have her on our faculty.

—Dean David A. Brennan

RECENTLY, MEMBERS OF THE CLASS OF 1982 SHARED SOME FOND MEMORIES OF STUDYING UNDER PROFESSOR GRAHAM:

“We put her on a pedestal, but she did not remain there, aloof...she stepped down often from that high perch to give us dinner on occasion, to hug us when we needed it, and to pat us on the back when we deserved it. Our class was very close, and she was part of our 'family.'”

—Jane Beasley (New York)

“Professor Graham was a favorite of law students from my era. She combines a rigorous academic approach with a genuine concern for her students. Her classroom discussions were lively and instructive, but not intimidating. Professor Graham made a lasting positive impact on so many of us—it's gratifying to see her efforts recognized.”

—Kerry Harvey (Lexington)

“We are all given opportunities to mentor those who are younger or less experienced. We would do well if we simply remember the practice Louise Graham modeled for us: Be honest, be compassionate, encourage real change.”

—Kathleen Patterson (San Francisco)

London Law Consortium. He taught Business Transactions at King's College.



KATHRYN L. MOORE has completed the 2011 Supplement to her casebook, *Law of Employee Pension*

and *Welfare Benefits*. In July, she moderated a panel on Elder Law and Health Care Reform as part of the Elder Law Workshop at the Southeastern Association of Law Schools Annual Conference. In January, she presented "An Overview of the U.S. Retirement Income Security System and the Principles and Values It Reflects" at the Employee Benefits and Executive Compensation Section of Association of American Law Schools Annual Meeting program on Lessons from Other Countries: Comparative Pension Law.



KAREN A. NUCKOLLS was appointed to a two-year term as the Collection Devel-

opment Columnist in the Technical Services Law Librarian e-periodical. Her program review, "The Sun Will Come Out Tomorrow," appeared in the September/October issue of the *Association of American Law Libraries' Spectrum*.



MELYNDA J. PRICE was asked by the Head of the American Political Science Association to co-chair the Committee on the Status of Blacks in the Profession, a three-year position.



PAUL E. SALAMANCA published "Snyder v. Phelps, A Hard Case that Did Not Make Bad Law," in the 2011 *Cato Supreme Court Review*.



ROBERT G. SCHWEMM has had two articles accepted for publication recently: "Neighbor-on-Neighbor Harrassment: Does the Fair Housing Act Make a Federal Case Out of It?" with the *Case Western Reserve Law Review*, and "Discretionary Pricing, Mortgage Discrimination, and the Fair Housing Act," with the *Harvard Civil Rights-Civil Liberties Law Review*.



RICHARD H. UNDERWOOD was appointed to a three-year term on the American Bar Association's Standing Committee on Ethics and Professional Responsibility. He was invited to present his article-in-progress, "When the Law Doesn't Work," at the Fordham University School of Law's Conference on Bob Dylan and the Law.

In Memoriam

CHERYL JONES, former law librarian, passed away on July 13, 2011. She served in the College of Law Library from 1975 until 1998 when she went to work on Special Collections at the UK Main Library. She is remembered fondly by the faculty and staff at the College of Law.

Connelly and Underwood Present at Bob Dylan Conference

"You don't need a weatherman to know which way the wind blows." You also may not need a law professor to know that Bob Dylan is a favorite among lawyers and judges. But, Alex Long, a professor at the University of Tennessee College of Law can confirm it for you – Bob Dylan is by far the most-cited musician among U.S. justices and law clerks, according to a 2007 article he published in the *Washington and Lee Law Review*.

UK Law Professors Allison Connelly and Rick Underwood can help you understand why. Both spoke at Fordham University School of Law's April Conference on Bob Dylan and the Law. "He is a great storyteller," Connelly says of her attraction to his music. As she describes in her paper, "Dylan as the Complete Trial Lawyer: Using Hurricane Carter to Teach Trial Skills," she uses Dylan's "Hurricane," about the arrest and conviction of Rubin "Hurricane" Carter, as a blueprint in her Litigation Skills classes.

Underwood, who has written many articles on the true stories behind a number of Southern murder ballads, was invited to present his paper, "When the Law Doesn't Work," on Dylan's early songs, many of which were taken from traditional folk songs that told of failures in the justice system. Both professors' papers will be published in a future issue of the *Fordham Urban Law Journal*.

Congratulations to the following UK Law faculty who were recently appointed to American Bar Association Committees:

- Dean David A. Brennen – *Standing Committee on the Law Library of Congress*
- Nicole N. Huberfeld – *Special Committee on Bioethics and the Law*
- Richard H. Underwood – *Standing Committee on Ethics and Professional Responsibility*



RYAN A. VALENTÍN

organized, and presented at, an all-day Computer Assisted Legal

Research (CALR) program at the College of Law in August. The program hosted over 25 participants from academic, court and firm law libraries.



HAROLD R. WEINBERG

was the advisor to UK Law's International Trademark Association's Saul Lefkowitz

Moot Court Competition. His article, "An Alternate Functioning

Reality," originally published in the *Journal of Intellectual Property Law* was listed on the Social Science Research Network's Top Ten Download List for Copyright and Trademark articles.



SARAH N. WELLING

did a two-day presentation on March 24 and 25, on new jury instructions for the

Sixth Circuit Pattern Jury Instruction Committee. Also in March, she and Class of 2011 law grad Alicia Harden presented a poster on jury instruction research at a University of

Kentucky celebration of endowed scholars.



RICHARD A. WESTIN

published the third edition of his book, *Federal Income Taxation of Business Enterprises*

(with R.C.E. Beck and S. Pareja). His article, "U.S. Compliance Requirements for Nonresident Aliens and Their Entities," is published in the *BNA Tax Management International Journal* (Vol. 40).

Returning to Lexington as our first Visiting Assistant Professor

KENT BARNETT (UK Law '05), UK Law's inaugural Visiting Assistant Professor (VAP), is about to start the second (and final) year of the VAP position, and is assembling his application dossier to become a tenure-track law professor at a U.S. law school. A former Articles Editor for the *Kentucky Law Journal*, and the recipient of numerous academic and research awards, Professor Barnett always wanted to teach, but didn't think that it was a viable option immediately out of law school. After graduating from UK Law in 2005, he clerked for Judge John Rogers of the U.S. Court of Appeals for the Sixth Circuit before going on to

practice with Weil, Gotshal & Manges and Heygood, Orr & Pearson in Dallas. Despite enjoying his time practicing law, when he heard about the College's new VAP program, he jumped at the opportunity to enhance his credentials. Now, after a year of teaching experience, during which he was able to concentrate on research and writing, Professor Barnett's desire is within reach.

He appreciates the ability to concentrate on broad, underlying problems in certain areas of the law, instead of thinking only of a client's potential goal. "The law school mindset is different from the law firm mindset," he says. "As a legal academic, you have the oppor-

tunity and duty to stay on the cusp of developments in the law, regardless of the area you might be specializing in, and consider the relationship among various legal issues," he says. "In practice, you generally consider only very specific, narrow issues of law." During his time here, Professor Barnett has published one article, "The Consumer Financial Protection Bureau's Appointment with Trouble," with the *American University Law Review*, placed another, "Avoiding Independent Agency Armageddon," with the *Notre Dame Law Review*, and has just completed a third. His primary teaching areas at UK Law are Contracts and Administrative Law.

Alumni Hall of Fame

2011 Alumni Awards

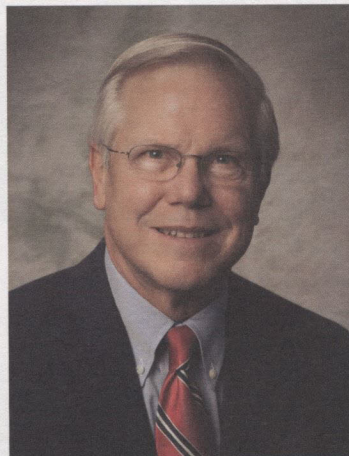
The University of Kentucky College of Law Alumni Association recognized the following alumni at the Kentucky Bar Association Annual Convention in June:

DISTINGUISHED JURIST, for outstanding service to the legal profession, bringing honor to the profession and encouraging creative ways to deal with specific identified issues in the administration of justice.
Thomas B. Russell, 1968

PROFESSIONAL ACHIEVEMENT, designated to recognize noteworthy accomplishment or sustained excellence in a particular area of law or other chosen profession.
James C. Woolery, 1994

COMMUNITY SERVICE AWARD, given to a graduate who has provided outstanding leadership in his or her community, to aid and benefit causes not necessarily related to the legal profession.
William G. Francis, 1973

YOUNG PROFESSIONAL AWARD, given to graduates within the past 10 years who have distinguished themselves professionally.
Jason C. Williams, 2003



JOHN T. MCGARVEY is a 1973 graduate of the College. He is a shareholder and chairperson of the executive committee of Morgan & Pottinger, P.S.C. His practice concentrates in the representation of banks and other lenders in litigation and matters under the Uniform Commercial Code.

McGarvey is a member of the American Bar Association's Section of Business Law and the Committees on the Uniform Commercial Code, Commercial Financial Services and Banking Law. He represents Kentucky as a Commissioner to the Uniform Law Commission and is the Southern Region representative on the Commission's Legislative Council. McGarvey served on the Commission's Joint Review Committee for Article 9 of the Uniform Commercial Code (2008–2010), and is now the Co-Chair of the Enactment Committee for the 2010 amendments to Article 9.

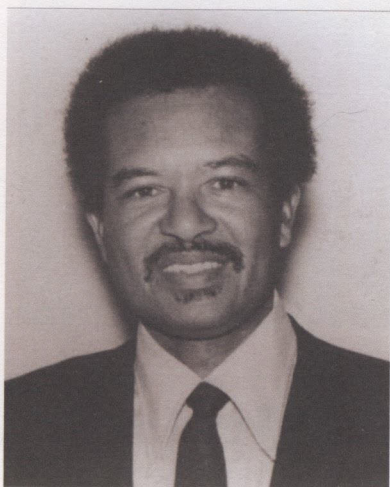
McGarvey is an adjunct professor at the College of Law teaching secured transactions. Official and civic positions held by McGarvey include: Special Justice, Kentucky Supreme Court (1990 and 2008–2010) City Attorney, City of Anchorage (1987–) Asst. Law Director, City of Louisville 1978–1979 member Public Policy Committee (2007–) and Chairperson of the Energy Policy Committee (2008–2009) of Greater Louisville, Inc. attorney steering committee, Citizens for Better Judges (1992–1993) president, UK College of Law Alumni Association (1998–2006) and member, UK College of Law Visiting Committee (Committee chairperson 2010–2011), UK College of Law Dean Search Committee (2008). He is a graduate of the Leadership Kentucky class of 2005, and the FBI's Citizens Academy class of 2006. The Anchorage Civic Club named him its citizen of the year in 2008.



JOE BILL CAMPBELL is a 1968 graduate of the College of Law. He has been honored as a fellow of the American College of Trial Lawyers and has been selected by the American Trial Lawyers Association as one of the top 100 trial lawyers in Kentucky. The Litigation Counsel of America, which limits its membership to the top 1% of trial lawyers, selected Campbell as a member. He has also been honored by Kentucky Super Lawyers, Best Lawyers in America and is an Advocate for the American Board of Trial Attorneys.

Campbell served on the Western Kentucky University Board of Regents from 1980 to 1984 and as chairman from 1982–1984. For nine years, Campbell served on the Kentucky Council for Higher Education, including three years as chairman, and served on the UK College of Law Visiting Committee for over nine years.

Campbell was one of the original members of the Kentucky Legal Education Commission. He served as a president of the Kentucky Bar Association and of the Kentucky Academy of Hospital Attorneys. Campbell also provided significant leadership for the establishment of Lawyers Mutual Insurance Company of Kentucky ("LMICK"), including serving as chairman of the board for 17 years. In 1988, the Kentucky Bar Association recognized Campbell as the outstanding lawyer in Kentucky. Campbell lives in Bowling Green where he practices with the firm of Hughes & Coleman.



ROBERT E. HARDING, JR., a native of Danville, Ky., was the second African-American graduate of the College of Law. While holding a full-time job, Harding completed the 3 year curriculum in 2 ½ years, graduating in 1957.

Harding was a member of the Kentucky and New Mexico bars and was admitted to practice before the United States Supreme Court. He began his professional career in 1959 as an attorney with the National Labor Relations Board in New York City. He also worked at the Albuquerque, N.Mex. and El Paso, Tex. offices. He received commendations from Labor and Management for his skill and fairness. After retiring in the late 1980s, Harding was appointed an arbitrator by the Federal Mediation and Conciliation Service. In 1987, he was voted the "Arbitrator of the Year" by the New Mexico Better Business Bureau.

As a civil rights activist, Harding was a life member of the NAACP and as a member of the New Mexico NAACP Legal Counsel, dealt with unfair labor practices.

A Henry Stites Barker Fellow, Harding and his wife, Lola, funded several scholarships. After his death in 2004, his widow established the Robert E. Harding, Jr. Professorship to honor and pass on his ideals of "Liberty and Justice for All" under "Equal Protection of the Laws."

future alum



BRITTANY GRIFFIN SMITH has known for a long time that she wanted to practice media and communications law. "I don't give up easily," the third-year law student says. She was drawn to UK Law while still completing her master's degree in communications, but took some

time after graduation before starting law school to get some real-world experience in journalism. A few years of working as a journalist only cemented her desire. "If you have a dream," she says, "grab on to it with both hands."

Once enrolled, though, she was surprised by her attraction to litigation, for which she credits Professor Scott Bauries' Civil Procedure course, and her participation in mock trials on UK Law's Trial Advocacy Board. She clerked for Judge Jennifer Coffman (UK Law '78) and worked on a trial where she got to watch attorneys Joe Savage (UK Law '64) and Robert Houlihan (UK Law '74) in action, and was determined that she would one day be in a courtroom herself.

Brittany's path toward fulfilling that goal has taken her through a prestigious internship with the Citizen Media Law

Project at Harvard University's Berkman Center for Internet and Society. She knew she couldn't pass up the opportunity to apply and was thrilled when, a month and a half later, they invited her to spend the summer of 2011 in Boston.

Brittany's experience at the Berkman Center was nothing short of utopian, she says. She was impressed by the "diversity and richness" of the students and faculty in the program. While there, she started a discussion group on net neutrality and recruited a number of media law attorneys to join the Citizen Media Law Project's *pro bono* Online Media Legal Network.

After graduation, Brittany plans to find work in the area of media and communications law. "My education at UK has opened several doors for me," she says. "I feel confident that it will do so again."

1st UK College of Law Golf Tournament



The first annual UK College of Law Golf Tournament was held on May 9, 2011 at Champion Trace Golf Club. The weather was picture perfect and the tournament raised \$12,000 for the academic initiatives of the College of Law, including scholarships and law library resources.

UK Law alumni, faculty and friends gathered to show their support while enjoying a nice day of golf, socializing and complimentary lunch from Carino's Italian. With the huge success of this year's tournament, we are looking forward to making next year's even better. Be on the lookout for upcoming information about the 2012 Tournament. We hope to see you there!

“What an outstanding inaugural event! It was great to see our alums from all over the state enjoying golf on a beautiful day. Kudos to the College's team for the flawless planning. Our firm looks forward to next year.”

—Steve Ruschell (1971)

The Golf Scramble was a great opportunity to play a beautiful golf course, catch up with classmates and faculty, and support the law school. I encourage all alumni to sign up next year. As my team's performance proves, you don't need to be a Professor Lawson-level golfer to participate!

—Mac Deegan (2005)



FIRST PLACE TEAM OF LARRY D. BROWN (FAR RIGHT) WITH HIS BROTHER DR. GARY D. BROWN (FAR LEFT) AND SONS CHASE AND ANDREW



TOM COOPER, MARK MOSELEY, BILL SHOUSE AND DEAN BRENNEN



BRAD BOONE, DEAN BRENNEN, BRUCE CLARK, RYAN LAUGHRY, AND STEVE RUSCHELL

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UK Law Alumni Association

UK Alumni Association

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DON JACOB'S BMW WITH THEIR PRIZE CAR AT THEIR HOLE

The UK College of Law would also like to thank those companies and individuals that made monetary or in-kind donations.

2008



JENNIFER Y. BARBER, a member of the Tax and Finance Practice Group at Greenebaum Doll &

McDonald, was elected in September 2010 to serve as Vice Chair and Treasurer for the Kentucky Bar Association's Tax Section.

LAUREN ARMSTRONG PARSONS has joined Sturgill, Turner, Barker & Moloney as its Marketing Director. Prior to joining the firm, she provided marketing and public relations support for clients in the equine, education, legal, non-profit and municipal sectors, as part of Preston-Osborne Marketing Communications & Research.

2007

NOAH R. FRIEND has opened his own law practice in Pikeville. He will focus on bankruptcy, debtor's rights and federal litigation.

2006



BEN CARTER has opened a law office in Louisville. Ben Carter Law focuses primarily on defending

homeowners facing foreclosure, consumer law and debtor's rights litigation.

Starting in September, **MARIA GALL** will be attending The London School of Economics as a master's of science candidate in human rights. As part of this interdisciplinary degree program, Maria will be concentrating on courses in international human rights law. Until recently, she was a litigation associate at Cadwalader, Wickersham & Taft.

1998

CLIFFORD H. ASHBURNER, chair of Wyatt Tarrant & Combs' Sustainability Group has been re-elected chairman of the Kentucky chapter of the United States Green Building Council. He was the first attorney to be a certified Leadership in Energy and Environmental Design (LEED) Accredited Professional in Kentucky, and heads the newly-founded Conservation and Energy Efficiency committee at Greater Louisville, Inc.



At the end of January, 2011, **TREY GRAYSON** resigned his office as Kentucky Secretary of State and assumed his new role as director of Harvard University's Institute of Politics. As director, he will set the strategic vision as well as the budget for the Institute, and will oversee its myriad activities.

J. DANIEL CHAPMAN

has been appointed as a 2011-2012 Vice Chair of the American Bar Association (International Law Section) International Anti-Corruption Committee. Mr. Chapman is the Chief Compliance Officer and Counsel for Parker Drilling Company in Houston and specializes in anti-bribery law and international trade law.

1994



JAMES WOOLERY, formerly a partner at Cravath Swaine and Moore, left the firm to join J.P. Morgan Chase & Company.

In June, he hosted a reception for College of Law Alumni in New York.

ROBB FARMER is the Assistant Director for Research and Instructional Services at the Faulkner University Thomas Goode Jones School of Law Library.

1993



MINDY BARFIELD, a partner in Dinsmore & Shohl's Lexington office, received a special recognition from

the Fayette County Bar Association for her work as the co-founder of the Fayette County Domestic Violence Advocacy Project and in recognition of her efforts to make equal access to justice a reality for those in need. She practices in the area of complex commercial litigation with a focus on defending businesses in contract-related and business torts litigation and complex insurance coverage and bad faith litigation.

1992

BARRY NORFLEET has joined Farmers Bank and Capitol Trust Co. in Frankfort, as Senior Vice-President, Senior Trust Officer and Legal Counsel.

1987



D. GAINES PENN has been named Managing Partner of English, Lucas, Priest & Owsley, in Bowling Green, Ky.,

for a three-year term beginning in 2011. He is a partner at ELPO who practices primarily in the areas of business, health care and employment law.

1981



In 2010, **MARY C. NOBLE** was named Deputy Chief Justice of the Supreme Court of Kentucky. She has served as a justice since November of 2006, and as a judge for more than 18 years. On June 8, 2011, she became the first woman to preside during oral arguments in the Supreme Court of Kentucky, when she oversaw arguments in the criminal case of *Commonwealth of Kentucky v. Leinenbach*. "Most women today probably have more freedom to choose than they've ever had," Justice Noble said. "But we still have very limited opportunity in leadership positions in the government and in business. So, when something like this happens, it's a milestone." Justice Noble presided in place of Chief Justice of Kentucky John D. Minton Jr., who recused himself in the case. Arguments took place in the Supreme Court Courtroom in the Capitol in Frankfort.

1980

PAUL B. CALICO has been appointed Chief Circuit Mediator of the United States Court of Appeals for the Sixth Circuit. He previously served as a private mediator and arbitrator with the Center for Resolution of Disputed in Cincinnati.



In January, **TERESA ISAAC** led four campaign strategy and election workshops for women in Uganda.

1978

Judge **JENNIFER COFFMAN** has been appointed to the Foreign Intelligence Surveillance Court. She was nominated by former President Bill Clinton, and will serve a seven-year term, overseeing warrants for government surveillance in spy and terrorism cases.

1974



JAMES E. ROGERS, CEO of Duke Energy, which became the largest utility company in the country in

February when it merged with Progress Energy earlier this year, visited the College of Law in March and gave a presentation to students on the future of the energy industry and the role that UK Law played in his career.

1971



WILLIAM T. (BILL) ROBINSON

III took office as President of the American Bar Association on August 9, 2011. A member of the ABA for more than 35 years, Robinson is the member-in-charge of the Florence, Ky. offices of Frost Brown Todd. He focuses his practice on the areas of civil litigation at the trial and appellate

levels. As ABA President, he will focus on issues he believes will make the ABA stronger and more relevant: the state funding crisis, volunteerism, membership, and diversity in the profession. In service to the first of these goals, the College of Law and the *Kentucky Law Journal* hosted a Symposium on Court Funding, on September 23–24, 2011, in celebration of the *Law Journal's* 100th volume, and in honor of Robinson's ascension to the presidency.

In October 2010, Mr. Robinson was honored with the Metropolitan Award, from the Metropolitan Club in Cincinnati, in recognition of his contributions to the community.

1963

MARSHALL P. ELDRED, JR. has been honored by the national Legal Services Corporation for his work providing *pro bono* services to low-income individuals. Eldred is of counsel in Frost Brown Todd's Louisville office.

1955



Auburn University–Montgomery has named The Department of Political Science and Public Adminis-

tration Outstanding Graduate Student Award for **GEORGE D. SCHRADER**. Schrader served as professor of Justice and Public Safety and director of Judicial Studies at AUM from 1977 until his retirement in 1993.

Two UK Law Grads Appointed Judge



On December 8, 2010, Georgia Governor Sonny Perdue appointed Robert D. Leonard (2000) and Wesley B. Tailor (1999) to Georgia State Courts of Cobb County and Fulton County, respectively.

Robert D. Leonard was appointed to the State Court of Cobb County Division II to fill the vacancy created with the appointment of The Honorable Maria Golick to Division I. He is a partner with Leonard, Rickman & Holloway in Marietta, Ga. He practices exclusively criminal defense with a strong emphasis on DUI defense, and the rest of his time being devoted to a selected few serious felonies. A former member of the Cobb Bar Board

of Trustees, Leonard serves on the Cobb Alcohol Task Force and is board member for the Tommy Nobis Center. He and his wife, Laurie, have three children.

Wesley B. Tailor was appointed to the Fulton County State Court to fill the vacancy created by the resignation of the Honorable Albert L. Thompson. He is director of the State Elections Division in the Georgia Secretary of State's Office. Previously he served as the General Counsel to the Secretary of State, Assistant Solicitor-General in DeKalb County, and associate at Troutman Sanders LLP. He is married to Jaime L. Theriot.

In Memoriam

Ben T. Cooper 1936
 Mr. Paul C. Combs 1948
 Judge Caswell P. Lane 1948
 Mr. Elmer E. Morgan 1948
 Benjamin H. McKeehan 1950
 Mr. James F. Scott 1950
 Richard J. Getty 1951
 Mr. G. Chad Perry III 1951
 Mr. James T. Youngblood 1954
 Mr. Thomas A. Mitchell 1955
 Mr. Oliver W. Waddell 1957
 Judge Henry H. Dickinson 1958
 Mr. Donald D. Harkins 1959
 Mr. Robert K. Hunt 1959
 Mr. Kenneth B. Kusch 1960

Mr. Charles S. Cassis 1963
 Mr. Ronald G. Polly 1963
 Mr. Joseph T. Burch 1966
 Judge Paul E. Braden 1967
 Mr. Curtis L. Wilson 1970
 Mr. Robert C. Fields 1972
 Raymond D. Overstreet 1972
 Mr. Stuart M. Vaughan, Jr. 1974
 Mr. Leroy W. Rowland 1980
 Rudy A. Bisciotti 1983
 Mr. Paul N. Ingram 1986
 Mrs. Lucy B. VanMeter 1987
 Rosanna Peace 1993
 Mr. Ross T. Turner 2000
 Ms. Nicole L. Anderson 2007



CHARLES S. "CHARLEY" CASSIS, a 1963 graduate of the College of Law, passed away on August 6, 2010. Charley was born in 1938 in Huntington, W.Va., and after graduation, served as general counsel of the Kentucky Bar Association. In 1965 he joined the Louisville law firm of Marshall, Cochran, Heyburn and Wells, which would eventually merge with two other firms to become Frost Brown Todd in 2000. As a partner at Frost Brown Todd, he served as chair of litigation section and a long-time member of its management committee.

He was a member of the Kentucky, West Virginia and American Bar Associations, one of the founding members of the Kentucky Bar Foundation, a life fellow of the American Bar Foundation, a past president of the U.S. Law Firm Group, a Life Delegate to the Sixth Circuit Judicial Conference, a member of the Federation of Defense and Corporate Counsel, and a former chairman of the Jefferson County Police Merit Board. He served, on five occasions, as a special justice to the Kentucky Supreme Court. A life-long Episcopalian, he was a member of St. Francis in the Fields Episcopal Church.

A 2002 inductee into the UK College of Law Alumni Hall of Fame, Charley was an active contributor to the operations of the College of Law, and a long-time member of the Visiting Committee. He created the Charles S. Cassis Research and Scholarship Fund and funded the Charles S. Cassis Law Professorship, and was co-chair of the Centennial Campaign.

"The bar has lost an exceptional lawyer and we have lost an honored leader, beloved mentor and a very good friend," said C. Edward Glasscock, chairman emeritus at Frost Brown Todd and a fellow UK Law Graduate (1969). "Charley will be greatly missed, but he left very deep footprints."

He is survived by his wife, Nancy, and two sons, Charles "Chuck" Cassis (UK Law '90) and Bryan Cassis.

GEORGE C. "CHAD" PERRY, a 1951 graduate of the College of Law, passed away on November 4, 2010. Mr. Perry served his clients and community with skill and dedication, and embodied the spirit of leadership in his practice and in his community.

After graduating from the College in 1951, Perry served as a first lieutenant in the United States Air Force JAG program from 1951-1953 and continued in the Air Force Reserves for 25 years. Returning to his hometown of Paintsville, Ky.,

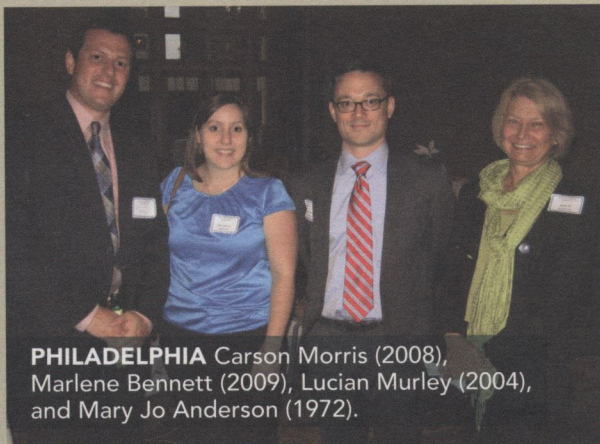
Perry began a legal practice lasting over 50 years. During that time, he twice served as City Attorney and was elected to City Council. As a partner with Perry, Preston, and Miller, he practiced in the area of workers compensation, medical malpractice, and general litigation.

He served as general counsel for the Big Sandy Area Development Authority, as a trustee of Eastern Kentucky and regional educational institutions and banks. At the College of Law, Mr. Perry was a Lafferty Society member, a long-time member of the Visiting Committee, and a University of Kentucky Fellow for over 25 years.

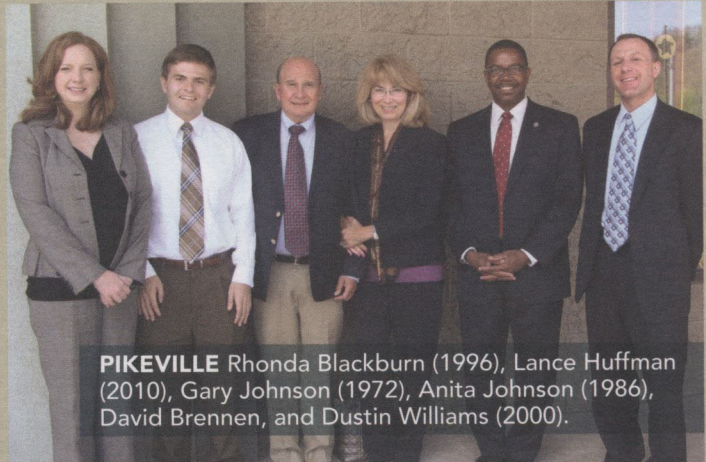
To eliminate the shortage of primary care physicians in rural Eastern Kentucky, Perry and his wife Judy led the founding of the Pikeville College School of Osteopathic Medicine in 1993. He has served as a board member for the College and received an honorary doctorate in 2001. In recognition of these and many other accomplishments, Perry was named "Outstanding Private Citizen" by the Eastern Kentucky Leadership Conference in 1999.

Mr. Perry is survived by his wife, Julianne Williams Perry. He will long be remembered for his tenacity and hard work in striving to provide a better future for his community.

2010–2011 UK LAW Receptions



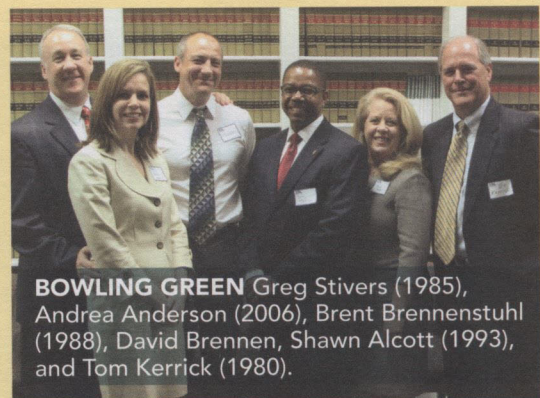
PHILADELPHIA Carson Morris (2008), Marlene Bennett (2009), Lucian Murley (2004), and Mary Jo Anderson (1972).



PIKEVILLE Rhonda Blackburn (1996), Lance Huffman (2010), Gary Johnson (1972), Anita Johnson (1986), David Brennen, and Dustin Williams (2000).



NEW YORK Paul Lamb (1969), David Brennen, Jason Sauer (2008), Amanda Lindemann (2005), Abhay Lele (2001), James Woolery (1994), Collin Roberts (2008), Maria Gall (2006), Bill Reik (1964), Mary Beth Neiser, Patsy Todd, Anthony Hoyle (2001), Lee Todd



BOWLING GREEN Greg Stivers (1985), Andrea Anderson (2006), Brent Brennenstuhl (1988), David Brennen, Shawn Alcott (1993), and Tom Kerrick (1980).

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Why Law?

By James M. Donovan

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According to the 2011 Statistical Abstract, legal services in 2007 reported gross receipts of 267 billion dollars. Students view it a wise investment to incur debts on average of \$100K to go to law school for the chance to assume roles in the legal system.

If we assume people to be minimally rational, such investments are reasonable only if we believe law serves a valuable purpose, one that merits our money and, for many, our lives. Efforts to describe the details of that importance, however, can be exasperatingly vague.

This question matters for reasons other than the soundness of economic choices. To know the work that law is supposed to perform can lead to better management of legal institutions. Critics warn that our system of law has grown beyond all tolerable limits (*Jurisma* (2000); *The Death of Common Sense: How Law is Suffocating America* (1995)). Most of us do not hesitate to label some law "good" or "bad." Too often, however, such conclusions treat law as a means to some other end (e.g., economic benefit, moral dominance), which makes the standard flexible according to the interests of each person rather than intrinsic to law itself. A "bad" law is one that runs up the deficit, without any mediating argument that deficit control is a core task of a legitimate system of law.

A sociological answer to the question of law's essential nature follows from its character as one of the forms of social regulation, the common goal of which is to create order, to impose a collective template upon a mass of self-interested individuals. Religion and custom are two other tools in this kit. Law is that one which stands as a "disciplined

coercive force" able to impose sanctions for violations of rules.

Satisfaction with this account depends upon other questions. Is law something present in all societies, or is it enjoyed by only a few? The demand that legal sanctions be state-imposed – as Brian Tamanaha requires – is not obvious, and would exclude traditional societies below the state level. Identifying what these societies lack that warrants describing them as "lawless" typically looks only at Western legal paraphernalia – courts, legislatures, written codes, police. If indeed such trappings are all that make law, it becomes difficult to justify law's lofty status since it would owe its value to accidental things outside itself.

The conclusion is twofold: Knowing the unique task of law is necessary if we hope to build meaningful legal institutions, yet the typical identifications of that defining attribute have been uniformly unsatisfying. The task is particularly challenging if one is committed to the dual convictions that law is a cultural universal, and that law performs specialized work unsuited to the other institutions of social regulation.

What then is the answer? My own proposal, argued in *Legal Anthropology: An Introduction*, is that the work of law is not simply to impose order – all social institutions do that, by definition – but rather to foster perceptions of fairness about structural inequalities. Inequalities are inevitable within any group of human beings. As Rawls recognized in *A Theory of Justice*, a major challenge for any society is to prevent these inevitable divisions from threatening the long-term viability of the group.



One part of the complete solution is for members to believe that their social complaints are taken seriously and addressed according to known rules and precedents, even if no improvement actually occurs. Where there cannot be distributive justice, there should at least be procedural justice. Legal ethnographers John Conley and William O'Barr have documented that for many small court plaintiffs an opportunity to tell their story is often more important than winning the case. Truth Commissions teach much the same lesson. Other forms of social regulation like religion and custom lack the fluidity and sensitivity to individual context to secure this sense of personal dignity. If the cultivation of the experience of social worth is conceded to be critical to the maintenance of a stable society, it can come only from law.

Fairness, then, not order, is the special domain of law. The accompaniments of law we expect in our society flow less from law itself, and more from our changing understanding of what is fair. As our understanding of fairness changes, we expect the law to change as well. Because fairness criteria have been shown empirically to vary from society to society, we can expect legal diversity to remain an enduring feature of the jurisprudential landscape. But now we know why.

The "justice as fairness" view is not a complete answer concerning the nature and role of law, but it may prove to be more useful and intellectually satisfying.



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